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Attorneys for Defendant
AMERICAN AIRLINES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDWARD E. ANDERSON,
Plaintiff,

v.

AMR The parent of AMERICAN
AIRLINES INC, AMERICAN AIRLINES,
and DOES 1 through 5 INCLUSIVE,
Defendants.

Case No. 07-cv-3527 WHA

**SECOND DECLARATION OF KENNETH
R. O'BRIEN IN SUPPORT OF
DEFENDANT'S REPLY TO PLAINTIFF'S
OPPOSITION TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
AND/OR SUMMARY ADJUDICATION OF
CLAIMS AND OR JUDGMENT ON THE
PLEADINGS**

Date: June 5, 2008
Time: 8:00 a.m.
Ctrm: 9
Judge: Hon. William Alsup

1 I, KENNETH R. O'BRIEN, do hereby declare:

2 1. I have personal knowledge of the facts set forth in this declaration and, if
3 called upon to do so, could and would testify competently thereto.

4 2. I am the attorney of record for American Airlines, Inc., defendant herein.

5 3. I took the deposition of Plaintiff on January 8, 2008.

6 4. In reply to Plaintiff's Opposition to Defendant's Motion for Summary
7 Judgment are true and correct copies of additional excerpt pages attached hereto as Exhibit A.

8 I declare under penalty of perjury under the laws of the State of California, that the
9 foregoing is true and correct and that this Declaration was executed this 23rd of May, 2008, at
10 Sacramento, California.

11
12
13 /s/ Kenneth R. O'Brien
KENNETH R. O'BRIEN

EXHIBIT “A”

JAN 25 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

EDWARD E. ANDERSON,

Plaintiff,

vs.

No. 07-CV-3527 WHA

AMR, The Parent of AMERICAN
AIRLINES, INC; AMERICAN AIRLINES,
and DOES 1 through 5, inclusive,

Defendants.

CERTIFIED
COPY

DEPOSITION OF EDWARD E. ANDERSON

San Francisco, California

Tuesday, January 8, 2008

REPORTED BY:
LYNNE LEDANOIS
CSR No. 6811

Job No. 79526

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that
5 any witnesses in the foregoing proceedings, prior to
6 testifying, were duly sworn; that a record of the
7 proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction;
9 that the foregoing transcript is a true record of the
10 testimony given.


11 Further, that if the foregoing pertains to
12 the original transcript of a deposition in a Federal
13 Case, before completion of the proceedings, review of
14 the transcript [] was [] was not requested.

15 I further certify I am neither financially
16 interested in the action nor a relative or employee
17 of any attorney or party to this action.

18 IN WITNESS WHEREOF, I have this date
19 subscribed my name.

20 JAN 23 2008

21 Dated: _____

22
23 
24 _____
25 LYNNE MARIE LEDANOIS
CSR No. 6811

EDWARD E. ANDERSON

01/08/08

1 San Francisco, California, Tuesday, January 8, 2008
2 10:03 a.m. - 3:40 p.m.
3
4

10:03:29 5 VIDEOGRAPHER: Good morning. Here begins
10:03:32 6 videotape number one in the deposition of Edward
10:03:34 7 Anderson in the matter of Edward Anderson versus AMR,
10:03:39 8 The Parent of American Airlines, in the United States
10:03:43 9 District Court, Northern District of California, Case
10:03:47 10 Number 07-CV-3527 WHA.

10:03:55 11 Today's date is January 8th, 2008. The time is
10:04:02 12 10:03 a.m. This deposition is being taken at 650
10:04:07 13 California Street, San Francisco, California.

10:04:10 14 The videographer is Marty Majdoub, here on
10:04:13 15 behalf of Sarnoff Court Reporters and Legal
10:04:15 16 Technologies, located at Irvine, Los Angeles, San
10:04:18 17 Francisco, California.

10:04:21 18 Would all counsel present please identify
10:04:23 19 yourselves and state whom you represent.

10:04:25 20 MR. O'BRIEN: Ken O'Brien for American
10:04:26 21 Airlines.

10:04:28 22 MR. ROESTI: I'm Frederick C. Roesti
10:04:31 23 representing Mr. Anderson.

10:04:33 24 VIDEOGRAPHER: Would the court reporter please
10:04:35 25 swear in the witness.

EDWARD E. ANDERSON

01/08/08

1 EDWARD E. ANDERSON,
2 having been duly sworn, testified as follows:
3
4

5 EXAMINATION

10:04:45 6 BY MR. O'BRIEN:

10:04:45 7 Q Good morning, Mr. Anderson.

10:04:47 8 A Good morning.

10:04:48 9 Q We've met before, but I'll introduce myself
10:04:50 10 again on the record. I'm Ken O'Brien. I'm here
10:04:53 11 representing American Airlines. And we're going to be
10:04:55 12 joined, hopefully soon, by one of the other lawyers who
10:05:00 13 works in-house at American Airlines, and we'll both be
10:05:05 14 at the evaluation tomorrow as well.

10:05:09 15 Have you had your deposition taken before,
10:05:10 16 Mr. Anderson?

10:05:11 17 A Yes, I have.

10:05:12 18 Q How many times?

10:05:15 19 A Approximately three that I can remember.

10:05:19 20 Q Were they in lawsuits that you were a party to?

10:05:22 21 A Yes, they were.

10:05:24 22 Q All three of them?

10:05:25 23 A All three.

10:05:26 24 Q Do you remember if you were a plaintiff or a
10:05:28 25 defendant in those suits?

EDWARD E. ANDERSON

01/08/08

1 there was a status quo thing pending, that --

2 Q Is that Mr. Olson?

3 A Ron Olson, right.

4 Q Now, you were shown this exhibit, I believe
5 it's Exhibit Number 3, that Mr. Olson -- let's go back
6 farther.

7 You were shown Exhibit Number 2, which is a
8 letter December 20, 2001. This one here -- I have it
9 here. Look at my copy. It's this one here. And this
10 is the -- where it talks about the change in your
11 employment from skycap at TWA to skycap at American
12 Airlines.

13 Did anyone provide you with any information
14 about how signing this document might change the court
15 order that you referred to as status quo?

16 A No.

17 Q Did you have any belief that when you signed
18 this document, it would have any effect on that?

19 A No.

20 Q There was a discussion about whether or not you
21 would work six hours or four hours in a day. And I know
22 this question was asked, but I'll ask it for purposes of
23 follow-up.

24 Did you ask to work six hours a day?

25 A Yes, I did.

EDWARD E. ANDERSON

01/08/08

1 Q And who did you ask?

2 A At the time, it was Ron Olson and Mr. --
3 Arthur.

4 Q Mr. Arthur? Do you know last name -- is that
5 the first name or last name?

6 A That was his first name.

7 Q And what reason did Mr. Olson -- did Mr. Olson
8 allow you to work six hours a day?

9 A No, he did not.

10 Q Did he give you a reason why you could not?

11 A Yes.

12 Q What was his reason?

13 A The reason was that nobody in American Airlines
14 system in San Francisco works six-hour shift days.

15 Q And since that time, have you determined
16 whether there are people in the American Airlines system
17 that work six-hour days?

18 MR. O'BRIEN: Objection, lack of foundation.

19 THE WITNESS: Less than a week after that, I
20 found out that there were agents working six hours a
21 day, ticket agents. And down on the ramp they had other
22 guys working part-time.

23 BY MR. ROESTI:

24 Q When you say "down on the ramp," what do you
25 mean?